

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**IN RE ANDROGEL ANTITRUST
LITIGATION (II)**

**GEORGE STEVEN LEGRAND, on
behalf of himself and all others similarly
situated,**

Plaintiff,

v.

**UNIMED PHARMACEUTICALS, INC.;
SOLVAY PHARMACEUTICALS, INC.;
WATSON PHARMACEUTICALS, INC.;
PAR PHARMACEUTICALS, INC.; and
PADDOCK LABORATORIES, INC.,**

Defendants.

CASE NO. 1:09-MD-2084-TWT

CASE NO. 1:10-CV-2883-TWT

END-PAYOR CLASS ACTION

JOINT MOTION GOVERNING LEGRAND CASE

On September 10, 2010 Plaintiff George Steven LeGrand (“LeGrand”) filed his Complaint in this District. Defendants Abbott Products, Inc. (f/k/a Solvay Pharmaceuticals, Inc.) (“Abbott”) and Unimed Pharmaceuticals, LLC (“Unimed”) accepted service of the *LeGrand* Complaint on October 1, 2010; Defendant Watson Pharmaceuticals, Inc. (“Watson”) accepted service of the *LeGrand* Complaint on October 15, 2010; and Defendants Par Pharmaceutical Companies,

Inc. (“Par”) and Paddock Laboratories, Inc. (“Paddock”) accepted service of the *LeGrand* Complaint on October 18, 2010. The allegations in the *LeGrand* complaint are substantively identical to those in the complaint filed in *Fraternal Order of Police v. Unimed Pharmaceuticals, Inc., et al.*, No. 1:09-cv-2914-TWT (N.D. Ga. Complaint filed in D.N.J and transferred to N.D. Ga. on April 17th, 2009) one of the AndroGel® cases currently centralized in this District by the Judicial Panel on Multidistrict Litigation (“JPML”).¹ See *In re Androgel Antitrust Litig.*, No. 1:09-md-2084 (N.D. Ga. 2009). In an effort to promote the efficient conduct of this litigation, Plaintiff LeGrand and Defendants Abbott, Unimed, Watson, Par, and Paddock (collectively “Defendants”) hereby move this Court to enter the following order to govern the *LeGrand* case:

1) The *LeGrand* case shall be consolidated for pretrial purposes with the other End Payor Purchaser Class Actions as part of MDL 2084, and Defendants shall notify the JPML of the pendency of this related action.

2) *LeGrand* shall be subject to the same schedule as the AndroGel® End Payor Purchaser Class Action already pending before this Court. Case No. 1:09-CV-02914-TWT, *In re Androgel Antitrust Litig.*, No. 1:09-md-2084 (N.D. Ga. 2009).

¹ Although substantively similar to the *FOP* allegations, LeGrand alleges violations of federal and California state law.

3) LeGrand's claims, including his California state law claims, shall be subject to all rulings and orders by the court, including this Court's February 22, 2010 ruling on Defendants' motions to dismiss. Accordingly, unless this Court's February 22, 2010 ruling is reversed on appeal, all of LeGrand's federal and California state law claims are dismissed, except for his "sham litigation" claim under Section 2 of the Sherman Act, the Cartwright Act, and the California Unfair Competition Law, and his claim based on allegations that Defendants conspired to settle "sham litigation" under Section 1 of the Sherman Act, the Cartwright Act, and the California Unfair Competition Law.

4) *LeGrand* shall be added as an "End Payor Purchaser Class Action," as that term is defined in this Court's Initial Case Management Order, and LeGrand's claims shall be subject to any rulings by this Court affecting the "End Payor Purchaser Class Actions." Dkt. No. 35, *In re Androgel Antitrust Litig.*, No. 1:09-md-2084 (N.D. Ga. 2009).

5) Counsel for Defendants and counsel for LeGrand conferred on October 19, 2010, and agreed that the Joint Preliminary Report and Discovery Plan to be filed in the *FOP* case shall apply to the *LeGrand* case, and the conference and Plan shall be deemed to meet the requirements of Fed.R.Civ.P.26(f) and Local Rule 16.1.

6) The parties will serve their Initial Disclosures no later than November 2, 2010 in *LeGrand*, the same day the parties have agreed to serve their Initial Disclosures in the *FOP* case.

7) LeGrand hereby consents to electronic service to the following e-mail addresses for papers without document productions that are required to be served but not filed under the local rules:

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Dated: October 25, 2010

Respectfully submitted,

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